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[Review of the book 'Of Laws of Ships and Shipmen': Medieval Maritime Law and Its Practice in Urban Northern Europe, by Edda Frankot]

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Edda Frankot. *"Of Laws of Ships and Shipmen": Medieval Maritime Law and Its Practice in Urban Northern Europe*. (Scottish Historical Review Monographs, number 20.) Edinburgh: Edinburgh University Press. 2012. Pp. xiv, 223. \$72.00.

Edda Frankot's monograph makes a clear and intelligent yet concise intervention in the historiography of European maritime law. The book's argument is as simple as it is original: debunking existing opinion, Frankot shows that the *Rôles d'Oléron* were not universally applied in the urban trading emporia of northern Europe. Instead, cities relied on idiosyncratic combinations of local, customary, and unwritten laws that were occasionally supplemented with some of the better-known international codes, such as the *Rôles d'Oléron* or the Dutch *Ordinancie*.

In this otherwise lucid book, only the preface stands out as puzzling, in that it privileges Scotland: "This book seeks to determine which aspects of Scottish maritime law . . . were unique in northern Europe . . . Second, the study aims to establish whether a common maritime law existed in northern Europe" (pp. xiii–xiv). Yet neither the blurb on the dust jacket nor the book's actual argument allocates particular attention to Scotland. Hence, the introduction corrects the preface: "the main question my study seeks to answer is whether it is accurate to speak of a common law of the sea in medieval northern Europe" (p. 2). This focus on "a common law of the sea" is sustained throughout the book.

After an overview of maritime legal codes and traditions in chapter one, Frankot examines the treatment of shipwreck, jettison, and ship collision in the various legal systems. Chapter three introduces the five towns at the heart of this book: Aberdeen, Kampen, Lübeck, Gdańsk, and Reval (Tallinn). Chapters four and five cover written law in urban collections and in local lawmaking, respectively, whereas chapters six and seven investigate legal practice, first in the administration of justice, and then in the actual proceedings in urban courts. Each of the book's seven chapters is

rounded off by a succinct conclusion in support of the observation that no single maritime code existed in the area under investigation.

Given the scope of the argument, the decision to isolate five towns is prudent, yet the rationale behind this particular selection is not obvious. Of the five towns chosen, only Aberdeen was never a member of the Hanseatic League. Furthermore, as Frankot admits, Aberdeen used the *Rôles d'Oléron*. In fact, Scotland shared its tradition of maritime law with England, France, Flanders, and the southern Low Countries. Therefore, when Aberdeen is included in a comparison of four Hanseatic cities, the resulting group looks by definition heterogeneous. London would have been a much better choice: not a member of the League, the city nevertheless maintained the Steelyard and saw a significant amount of Hanseatic trade pass through its gates. In other words, Frankot arrives at the realization—though without stating so overtly—that there were not one but *two* common legal traditions: northwestern Europe from France to Scotland used the *Rôles d'Oléron*, while a northeastern Hanseatic network from the northern Low Countries to Reval and Novgorod was part of a "German urban legal tradition" (p. 200).

Furthermore, the discussion is not always adequately historicized. For instance, the sections on Gdańsk rely on only a handful of almost exclusively German secondary sources, most of which date from the nineteenth century. On the one hand, this leads to such peculiarities as using German rather than English terms for Slavic rulers (e.g., *Kasimir*, *Wenzel*); on the other, Frankot erects her consequential discussion of the handwriting and dating of certain Gdańsk manuscripts (p. 106) on a source from 1858 without discussing the paleographical features in question. Ralf Päsler, for instance, has published widely on manuscripts in medieval Gdańsk.

At times important assumptions are left unjustified. It is by no means clear, for example, that foreign legal codes necessarily supplemented local custom; nor should the absence of written records point to an absence of knowledge of certain legal codes. If, as Frankot notes on page 45,

towns such as Kampen obtained copies of other codes to familiarize themselves with the customs of other jurisdictions, is it not possible that copies of such codes went missing—in much the same way as routiers and rutters—because they were taken aboard ship for reference and legal protection?

These questions notwithstanding, Frankot has written a substantial work of original research on medieval maritime law in northern Europe. Moreover, the book's argument demonstrates the flexibility as well as the decentralized nature of maritime law. Essentially, the history of maritime law in this region emerges as a tale of comparing, combining, and adapting different legal customs and traditions. This monograph is both timely and welcome.

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